

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:11-CR-00115-F-1

UNITED STATES OF AMERICA,

)

)

v.

)

ORDER

KELVIN NALLS,

)

Defendant.

)

Before the court is Defendant's Motion for Transcripts [DE-66]. In his motion,

Defendant argues that he is indigent and is entitled to transcripts at no cost to him because he has shown a particularized need for them. Defendant asserts that he needs a copy of the transcripts from the following: his initial appearance, his detention hearing, his arraignment, and his sentencing hearing.

Title 28, United States Code, Section 753(f) addresses the circumstances under which transcripts may be provided to an indigent defendant at the government's expense. The statute provides:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

28 U.S.C. § 753(f).

Defendant contends that the transcripts he is requesting are needed so that he can present claims of ineffective assistance of counsel. A review of the record reveals that Defendant filed a

§ 2255 motion on July 19, 2013, and he has failed to show that a copy of the transcripts is necessary to decide the issues presented by this pending § 2255 motion. Accordingly, Defendant's Motion for Transcripts [DE-66] is DENIED.

SO ORDERED.

This, the 9 day of October, 2013.

James C. Fox
JAMES C. FOX
Senior United States District Judge